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**PATENT**  
Attorney Docket No. MIT-097CN  
(5473/104)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Colton et al.  
SERIAL NO.: 10/040,278 GROUP NO.: Not yet assigned  
FILING DATE: October 14, 2001 EXAMINER: Not yet assigned  
TITLE: METHOD AND APPARATUS FOR DELIVERING OXYGEN TO  
CELLS

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, Washington, DC 20231 on this 30th day of May, 2002.

*Julie Westhaver*  
Julie Westhaver

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith is/are:

Transmittal Form (1 pg.); Preliminary Amendment (4 pgs.); and postcard.

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**TC 1700**

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U.S. PATENT & TRADEMARK OFFICE  
JC97

Application Serial Number	10/040,278
Filing Date	October 14, 2001
First Named Inventor	Colton et al.
Group Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket No.	MIT-097CN
Patent No.	Not applicable
Issue Date	Not applicable

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"> <li><input type="checkbox"/> Check Attached</li> <li><input type="checkbox"/> Copy of Fee Transmittal Form</li> </ul>	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <ul style="list-style-type: none"> <li><input type="checkbox"/> Formal Drawing(s)</li> </ul>	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <ul style="list-style-type: none"> <li><input type="checkbox"/> Appeal Brief (in triplicate)</li> </ul>
<input checked="" type="checkbox"/> Amendment/Response <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Preliminary</li> <li><input type="checkbox"/> After Final</li> <li><input type="checkbox"/> Affidavits/declaration(s)</li> <li><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]</li> </ul>	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <ul style="list-style-type: none"> <li><input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)</li> </ul>	<input type="checkbox"/> Status Inquiry <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Return Receipt Postcard</li> </ul>
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Terminal Disclaimer <ul style="list-style-type: none"> <li><input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application</li> </ul>	<input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <ul style="list-style-type: none"> <li><input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8</li> </ul>
<input type="checkbox"/> Information Disclosure Statement <ul style="list-style-type: none"> <li><input type="checkbox"/> Form PTO-1449</li> <li><input type="checkbox"/> Copies of IDS Citations</li> </ul>	<input type="checkbox"/> Small Entity Statement <ul style="list-style-type: none"> <li><input type="checkbox"/> CD(s) for large table or computer program</li> </ul>	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Amendment After Allowance <ul style="list-style-type: none"> <li><input type="checkbox"/> Request for Certificate of Correction</li> </ul>	
<input type="checkbox"/> Sequence Listing submission <ul style="list-style-type: none"> <li><input type="checkbox"/> Paper Copy/CD</li> <li><input type="checkbox"/> Computer Readable Copy</li> <li><input type="checkbox"/> Statement verifying identity of above</li> </ul>	<input type="checkbox"/> Certificate of Correction (in duplicate)	

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## CORRESPONDENCE ADDRESS

## SIGNATURE BLOCK

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Date: May 30, 2002  
 Reg. No. 44,244  
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Respectfully submitted,

  
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Commissioner for Patents  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

Sir:

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Please amend the specification as follows:

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In the Specification:

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Under "Cross-Reference to Related Application" in the first line delete "35" before the "§" symbol.

Before "Field of the Invention" and after the third line of text ending "incorporated herein by reference," please insert the following new paragraph:

--This invention was made with government support under Grant No. NIH-1R01-HD31443 awarded by the National Institutes of Health. The government has certain rights in this invention.--

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Applicants respectfully submit that the amendments to the specification merely corrects a typographical error and acknowledges that the invention received U.S. Government support. No new matter is added.

Respectfully submitted,

Date: May 30, 2002  
Reg. No. 44,244

Tel. No.: (617) 248-7044  
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**MARKED COPY OF AMENDED SECTION OF SPECIFICATION**

This application claims priority under 35 U.S.C. [35] §119(e) to U.S. Provisional Application 60/093,147, filed July 17, 1998, the entire disclosure of which is incorporated herein by reference.

This invention was made with government support under Grant No. NIH-1R01-HD31443 awarded by the National Institutes of Health. The government has certain rights in this invention.